

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAYVONTA MOORE,

Defendant.

8:96CR24

ORDER

Defendant Dayvonta Moore (Moore) appeared before the court on August 28, 2008, on a Petition for Offender Under Supervision (Report) (Filing No. 117). Moore was represented by Assistant Federal Public Defender Jeffrey L. Thomas and the United States was represented by Assistant U.S. Attorney Nancy A. Svoboda. Through his counsel, Moore waived his right to a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Report alleges probable cause and that Moore should be held to answer for a final dispositional hearing before Senior Judge Lyle E. Strom.

The government moved for detention. Through counsel, Moore declined to present any evidence on the issue and otherwise waived a detention hearing. Since it is Moore's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Moore has failed to carry his burden and that Moore should be detained pending a dispositional hearing before Senior Judge Strom.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Senior Judge Lyle E. Strom in Courtroom No. 5, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:00 a.m. on September 25, 2008.** Defendant must be present in person.

2 Defendant Dayvonta Moore is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 29th day of August, 2008.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge